

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re Application of Holland Middle East
Trading Ltd. to Obtain Discovery for Use
in a Suit Pending in the Haarlem District
Court of the Kingdom of the Netherlands

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Case No. 08-CV-1344

Hon. Ruben Castillo

Magistrate Judge Martin C. Ashman

REPLY IN SUPPORT OF RESPONDENTS' MOTION FOR EXTENSION OF TIME

HMET's current objection to Respondents' request for an additional ten days to review over 270,000 pages of documents is misguided, especially in light of U.S. counsel's *agreement* to an extension just yesterday morning (pending approval by HMET's Dutch counsel).

1. First, HMET's reference to Respondents' "notice" of its document requests is irrelevant, as HMET has not, to this day, ever served valid subpoenas on any of the Respondents. Rather, Respondents have undertaken to provide responsive documents consistent with their Objections and Responses to HMET's invalid requests solely as a matter of professional courtesy and as an accommodation to the Court.

2. Second, HMET's assertion that Respondents have "failed to comply with three orders from this Court" is simply untrue. In the face of the Court's orders, Respondents have (1) answered HMET's invalid subpoenas; (b) produced all "Exhibit C" and "Subpoena Request No. 2" documents; (c) provided deposition dates for their witnesses; and (d) continued to produce documents responsive to HMET's remaining subpoena requests on a rolling basis.

3. Third, HMET admits that it initially told Respondents that HMET's Dutch counsel would review all Exhibit C and Subpoena Request No. 2 documents *before* deciding whether additional production was necessary, then changed its mind and demanded *all*

responsive documents before Respondents had produced any of the initial documents. In addition, though Respondents did, in fact, produce all of these documents on May 7, Respondents *never* represented that they would do so, nor need they have, in light of the May 15 date that appeared in this Court's order.

4. Fourth, HMET errs again when it asserts that it is "still waiting" for Exhibit C documents. Not only have Respondents produced all such documents, but HMET's reference to its new "Exhibit A" has nothing to do with the Exhibit C documents. Instead, "Exhibit A" refers back to HMET's *original, unrevised* Subpoena Requests, not to its Exhibit C requests. Put simply, HMET has not yet received every document responsive to every subpoena request, because (a) Respondents have had only five business days to produce all of the remaining Subpoena Request documents; (b) as of the time of Respondents' motion, those documents were not yet due; and (c) Respondents are requesting more time for the specific purpose of finishing their rolling production.

5. Fifth, HMET's query regarding the length of the extension is irrelevant. Setting aside the fact that HMET's U.S. counsel initially *agreed* to the extension, only to be overruled by its Dutch counsel, the offer of five business days was just that, an offer to compromise in order to avoid bothering the Court with an unnecessary motion. Because HMET has now forced Respondents' hand, however, Respondents would rather err on the side of caution and obtain an extension of time sufficient to ensure a complete and final production. Thus, the request for ten days.

6. Finally, to the extent that the requested extension affects the timing of depositions, Respondents have already offered additional deposition dates well in advance of

HMET's June 18 deadline for filing a Reply in the Dutch proceedings. Thus, the ten day extension will in no way prejudice HMET.

For all of the foregoing reasons, Respondents respectfully request that the Court ***grant*** Respondents' Motion for Extension of Time.

Dated: May 15, 2008

Respectfully submitted,

By: /s/ Amy A. Pines

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CERTIFICATE OF SERVICE

I, Amy A. Pines, an attorney, hereby certify that on May 15, 2008, I caused a copy of the foregoing Reply In Support Of Respondents' Motion For Extension Of Time to be filed electronically with the Clerk of the Court using the CM/ECF system, which will automatically send email notifications of such filing to the following attorneys: Peter V. Baugher and Lindsay Wilson Gowin of Schopf & Weiss LLP, One South Wacker Drive, 28th Floor, Chicago IL 60606.

By: /s/ Amy A. Pines

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